



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ARRAYCOMM/BLAKELY
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

COPY MAILED

JUL 06 2007

OFFICE OF PETITIONS

In re Application of
Christopher R. Uhlik
Application No. 10/099,723
Filed: March 14, 2002
Attorney Docket No. 15685P132

ON PETITION

This is a decision in response to a petition under the unintentional provisions of 37 CFR 1.137(b), filed March 8, 2007, which is being treated as a request under 37 CFR 1.136(a) to accept a 5-month petition to extension of time.

The petition under 37 CFR 1.137(b) is **DISMISSED** as premature.

A review of the record discloses that a non-final Office action was mailed on October 6, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). Accordingly, a reply was due on or before November 6, 2006 or on or before April 6, 2007, with an appropriate extension of time fee. It is noted that a further non-final Office action was mailed on January 22, 2007; however, it did not reset the period for response. On March 8, 2007, the present petition to revive was filed accompanied by an amendment.

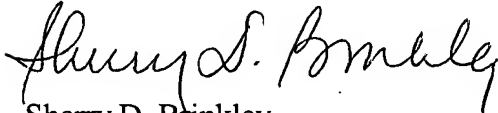
As this application was not abandoned at the time of filing the amendment on March 8, 2007, and the record fails to show that the Examiner has held this application as abandoned, the petition is deemed to be premature at this time. Should the Examiner hold this application abandoned for failure to file a proper reply to the outstanding Office action of October 6, 2006, then it would be appropriate at that time to submit a petition to revive.

In view of the dismissal of the petition under 37 CFR 1.137(b) as premature, the \$1,500 petition fee is being credited to counsel's deposit account. Since a 5-month extension of time was due with the response filed March 8, 2007, a \$2,160 fee for a 5-month extension is being charged to counsel's deposit account, as authorized.

Accordingly, the request under 37 CFR 1.136(a) is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

This application is being referred to Technology Center 2617 for further action as the nature of the case requires.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions